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SENATE BILL 581

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

John Pinto

FOR THE INDIAN AFFAIRS COMMITTEE

AN ACT

RELATING TO CULTURAL PROPERTIES; ESTABLISHING STATE CULTURAL
PROPERTY ON STATE OR FEDERAL LAND FOR REBURIAL OF HUMAN REMAINS
AND FUNERARY OBJECTS; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of Chapter 18, Article 6 NMSA
1978 is enacted to read:

"[NEW MATERIAL] SHORT TITLE.--This act may be cited as the
"Reburial Grounds Act"."

Section 2. A new section of Chapter 18, Article 6 NMSA
1978 is enacted to read:

"[NEW MATERIAL] DEFINITIONS.--As used in the Reburial
Grounds Act:

A. "department" means the cultural affairs
department;

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underscored material = new
[bracketed material] = delete

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[bracketed material] = delete

1 B. "descendant group" means persons demonstrably
2 related by consanguinity, family affiliation, clan or direct
3 historical association and includes a Native American nation,
4 band, tribe or pueblo in New Mexico;

5 C. "funerary object" means an object or artifact
6 associated with a human burial;

7 D. "reburial grounds" means state or federal land
8 set aside pursuant to the Reburial Grounds Act that secures and
9 preserves unmarked graves for remains not claimed by a
10 descendant group;

11 E. "remains" means a human body, skeletal remains
12 or mummified remains discovered during construction and other
13 projects or exposed through erosion, excavation or accident or
14 other means on state, federal and private lands and includes a
15 funerary object or artifact associated with the remains; and

16 F. "state land" means property owned, controlled or
17 operated by a department, agency, institution or political
18 subdivision of the state."

19 Section 3. A new section of Chapter 18, Article 6 NMSA
20 1978 is enacted to read:

21 "[NEW MATERIAL] REMAINS DESIGNATED FOR REBURIAL.--Except
22 as otherwise designated by the department, remains shall be
23 reburied in the reburial grounds unless a descendant group that
24 demonstrates a relationship to the remains requests otherwise."

25 Section 4. A new section of Chapter 18, Article 6 NMSA

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underscored material = new
[bracketed material] = delete

1 1978 is enacted to read:

2 "[NEW MATERIAL] DESIGNATION OF REBURIAL GROUNDS SITE.--The
3 department shall facilitate the designation of state or federal
4 land for reburial of unmarked remains not claimed by a
5 descendant group and shall:

6 A. by September 1, 2007, organize a working group
7 that includes representatives of the department, the Indian
8 affairs department and the tribal-state workgroup on
9 repatriation and sacred places to:

10 (1) recommend rules for the acquisition of
11 remains and the maintenance and preservation of the reburial
12 grounds;

13 (2) distinguish between remains that can be
14 reburied and remains that cannot; and

15 (3) establish procedures and priorities for
16 reburying remains held in state collections;

17 B. by December 30, 2008, promulgate rules for:

18 (1) platting remains placed in the reburial
19 grounds and ensuring that the information is confidential
20 pursuant to Section 18-6-11.1 NMSA 1978;

21 (2) accepting and acquiring remains and
22 coordinating activities with the state historic preservation
23 officer;

24 (3) preserving the natural environment of the
25 reburial grounds;

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[bracketed material] = delete

1 (4) distinguishing between remains that can be
2 reburied and those that cannot;

3 (5) working with descendant groups that
4 request access to the reburial grounds for ceremonies; and

5 (6) providing for security and confidentiality
6 of the site; and

7 C. by July 1, 2009:

8 (1) accept the first remains for reburial,
9 including remains currently at the museum of New Mexico, the
10 museum of Indian arts and culture and the department;

11 (2) begin platting the reburial grounds so
12 that reburied remains are not disturbed by later burials and so
13 that the plat is confidential pursuant to Section 18-6-11.1
14 NMSA 1978; and

15 (3) provide security for the reburial
16 grounds."

17 Section 5. APPROPRIATION.--One hundred thousand dollars
18 (\$100,000) is appropriated from the general fund to the
19 cultural affairs department for expenditure in fiscal years
20 2008 and 2009 for establishing and securing the reburial
21 grounds and reburying remains. Any unexpended or unencumbered
22 balance remaining at the end of fiscal year 2009 shall revert
23 to the general fund.